

**FILED**

**APR 26 2010**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

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**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

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UTAH CHAPTER OF THE SIERRA CLUB,  
et al.,

Petitioners,

Docket No. 2009-019  
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,  
Respondent, and

ALTON COAL DEVELOPMENT, LLC, and  
KANE COUNTY, UTAH,  
Intervenors-Respondents.

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**PETITIONERS' LIST OF EXHIBITS FOR HEARING  
TO BE HELD APRIL 29 & 30, 2010**

Pursuant to Utah Administrative Code R641-108-100 & R641-108-200 and the Board's  
Order dated April 7, 2010 as amended, Utah Chapter of the Sierra Club ("Sierra Club"),  
Southern Utah Wilderness Alliance ("SUWA"), Natural Resources Defense Council ("NRDC"),

and National Park Conservation Association (“NPCA”) (collectively “Petitioners”) submit the following list of exhibits to be presented at the evidentiary hearing to be held on April 29-30, 2010. Copies of the exhibits are attached.

**Cultural/ Historic Resource Issues**

1. Coal Hollow Mine Permit Application, App. 4-5, Drawing 1-2 (“Permit Area with LBA”) [CO250025\MRP COAL HOLLOW 025005\DWG 1-2]
2. Montgomery Archaeological Consultants, Cultural Resource Management Plan Draft 2 (May 23, 2008) Figure 1 (Phase I)
3. Montgomery Archaeological Consultants, Cultural Resource Management Plan Draft 2 (May 23, 2008) Figure 2 (all sites)
4. Montgomery Archaeological Consultants, Cultural Resource Inventory of Alton Coal Developments (March 10, 2006), at 3 (Figure 1) [CONFIDENTIAL\ 2009\10152009, 164 of 559]
5. Letter to Chris McCourt, ACD Manager, from Daron Haddock, Permit Supervisor (May 9, 2008) [CO250025\2008\OUTGOING\0015].
6. Email from Matthew Seddon, Deputy State Historic Preservation Officer, to Joe Helfrich, DOGM (May 5, 2008) [CO250025\2008\INCOMING\0027 at 1]
7. Memorandum from Matthew Seddon, Deputy Staff Historic Preservation Officer and Lori Hunsaker, Public Lands Policy Coordination Office to Joe Helfrich, UDOGM, Comments on Alton Coal Cultural Resource Management Plan (CRMP) and Data Recovery Plan (07-1471) (May 6, 2008) [CO250025\2008\INCOMING\0027 at 2-8]
8. Rule 30(b)(6) Deposition of Division of Oil, Gas and Mining, Testimony of Daron Haddock (Feb. 22, 2010), Vol. I at 35-68.
9. Rule 30(b)(6) Deposition of Division of Oil, Gas and Mining, Testimony of Daron Haddock (Feb. 23, 2010), Vol. I at 211-260.
10. Rule 30(b)(6) Deposition of Division of Oil, Gas and Mining, Testimony of Joe Helfrich (Feb. 22, 2010), Vol. I at 23-35.
11. Rule 30(b)(6) Deposition of Alton Coal Development, Testimony of Chris McCourt (Feb. 25, 2010), Vol. 2 at 0-7

12. Rule 30(b)(6) Deposition of Alton Coal Development, Testimony of Jody Patterson (Feb. 25, 2010), Vol. 2 at 7-29.

#### **Air Quality Issues**

13. EPA, Emission Measurement Technical Information Center Test Method-009 (Oct. 25, 1990) [Attachment 3, ACD Fugitive Dust Control Plan, CO250025\MRP COAL HOLLOW 025005\Vol. 2 beginning at 262 of 275]
14. Email from Priscilla Burton to Jon Black re. Fugitive Dust Plan (Oct. 13, 2009) CO250025\2009\OUTGOING\0011]
15. Letter from Donna Owens, District Ranger, Powell Ranger District, Dixie National Forest, to Mary Ann Wright, Associate Director, Mining, Division of Oil, Gas, & Mining (May 9, 2008) [CO250025\2008\INCOMING\0048]
16. Letter from Eddie Lopez, Supervisor of Bryce Canyon National Park to Keith Rigtrup at the BLM Kanab Field Office (February 23, 2007) [CO250025\2008\INCOMING]
17. Rule 30(b)(6) Deposition of Division of Oil, Gas and Mining, Testimony of Priscilla Burton (Feb. 22, 2010), Vol. I at 68-84

#### **Hydrology/ Geology Issues**

18. Resume of Charles H. Norris, principal, Geo-Hydro, Inc.
19. *Draft Guidelines for Preparation of a Cumulative Hydrologic Impact Assessment (CHIA)*, United States Department of the Interior, Office of Surface Mining Reclamation & Enforcement (1985)
20. Excerpt, *Draft Guidelines for Preparation of a Cumulative Hydrologic Impact Assessment (CHIA)*, United States Department of the Interior, Office of Surface Mining Reclamation & Enforcement (1985), pp. IV-22 through IV-26
21. *Permitting Hydrology*, United States Department of the Interior, Office of Surface Mining Reclamation & Enforcement (2002)
22. Excerpt, *Permitting Hydrology*, United States Department of the Interior, Office of Surface Mining Reclamation & Enforcement (2002), pp. II-3 through II-4, II-40 through II-42, and Appendix E
23. Excerpt, Exhibit 1 to the Deposition of the Utah Division of Oil, Gas and Mining, folder 2009, first level subfolder Outgoing, second level subfolder 10192009, file 001, CHIA pp. 39-41

24. ACD Laboratory Reports, Monitoring Station SW-6, Sampling event on March 22, 2008
25. ACD Laboratory Reports and Field Notes, Monitoring Station SW-101, Sampling event on March 31, 2006
26. Graph of reported TDS results in baseline surface water hydrologic data for the Coal Hollow Mine, prepared by Geo-Hydro, Inc.
27. Histograms of Reported Surface Water Baseline Data for the Coal Hollow Mine, prepared by Geo-Hydro, Inc.
28. Table and Histograms Showing the Effect of an Increase in TDS Concentration to 3,000 milligrams per liter on Certain Water Resources in the Permit and Adjacent Areas of the Coal Hollow Mine, prepared by Geo-Hydro, Inc.
29. Coal Hollow Mine Permit Application, Chapter 7, pp. 7-57 through 7-59 and Tables 7-4 through 7-7B [CO250025\MRP COAL HOLLOW 025005]
30. Coal Hollow Mine Permit Application, Chapter 7, pp. 7-51 through 7-57 [CO250025\MRP COAL HOLLOW 025005]

In addition to the exhibits described above, Petitioners reserve the right to use the depositions of the Utah Division of Oil, Gas and Mining (“the Division”) or Alton Coal Development, LLC (“ACD”) as evidence, in the event that the Division or ACD do not include elements of that testimony in their presentation of evidence at hearing. *See* Rule 32(a)(2) of the Utah Rules of Civil Procedure. Furthermore, pursuant to agreement between counsel for Petitioners and the Division, the Division will present the exhibits listed below representing (1) the decision documents supporting approval of the Coal Hollow Mine permit on October 19, 2009, and (2) a document to which the Division referred in its cumulative hydrologic impact assessment. Based upon email communication between counsel, Petitioners understand that the Division will be providing copies of the exhibits listed below to the Board and counsel. Consequently, Petitioners have not provided copies of the documents from the permit record listed below but reserve the right to introduce any document listed below that is not submitted by

the Division.

1. Exhibit 1 (CD labeled "Coal Hollow documents 2/2/10) from Rule 30(b)(6) Deposition of Division of Oil, Gas and Mining (February 22, 2010)
2. Exhibit 21 (Coal Hollow Water Data (CD)) from Rule 30(b)(6) Deposition of Division of Oil, Gas and Mining (February 25, 2010)
3. *Decision Document* (Oct 19, 2009) incl. Technical Analysis (Oct 15, 2009) [CO250025\2009\OUTGOING\10192009\001]
4. Priscilla Burton, DOGM, Tead Lead, *Technical Memorandum* (Oct. 15, 2009), [CO250025\2009\INTERNAL\ 011]
5. Letter from MOAC to Lori Hunsaker, Utah Dept. of Oil, Gas and Mining (Oct 25, 2007) providing "Cultural Resource Inventory of Alton Coal Development's Sink Valley – Alton Amphitheater Project Area" [CO250025\2007\INCOMING\0024 – p. 1]
6. Letter from Pamela Grubaugh-Littig, Permit Supervisor to Dr. Mathew Seddon, Deputy State Historic Preservation Officer (Nov. 2, 2007), *Decision Memo Requesting State Historic Preservation Office on Eligibility and Effect Determination* [CO250025\2007\INCOMING\0024 – pp 2-3]
7. Letter from Dr. Mathew Seddon, Deputy State Historic Preservation Officer to Pamela Grubaugh-Littig, Permit Supervisor (Nov. 20, 2007) re. Concurrence on Eligibility and Effect Determination [CO250025\2007\INCOMING\0022]
8. Montgomery Archaeological Consultants, Cultural Resource Management Plan Draft 2 (May 23, 2008) [CONFIDENTIAL\CO250025\2008\05232008]
9. Montgomery Archaeological Consultants, Data Recovery Plan (May 23, 2008) [CONFIDENTIAL\CO250025\2008\05232008]
10. Letter from Daron Haddock, Permit Supervisor, to Wilson Martin, State Historic Preservation Officer (July 10, 2008) re. *Decision Memo Requesting State Historic Preservation Office Concurrence on CRMP and Data Recovery Plan Determination*[CO250025\2008\INCOMING\0135]
11. Coal Hollow Mine Permit Application, App. 4-5, Fugitive Dust Control Plan [CO250025\MRP COAL HOLLOW 025005\Vol. 2 beginning at 246 of 275]
12. Memorandum of Understanding between Utah Division of Oil, Gas and Mining and Utah Department of Environmental Quality for Mining Operations (Sept. 1, 1999)

13. Price, D, 1980, Chemical Quality of Surface Water in the Alton-Kolob Coal Fields Area, Utah, USGS Miscellaneous Investigation Series Map 1-1235-A.

Respectfully submitted,

**Dated: April 26, 2010**

By: **Stephen  
- n Bloch**

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## CERTIFICATE OF SERVICE

I hereby certify that on the 26<sup>TH</sup> day of April, 2010, I served a true and correct copy of **PETITIONERS' LIST OF EXHIBITS FOR HEARING TO BE HELD APRIL 29 & 30, 2010** to each of the persons listed below via e-mail transmission.

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